

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE ENROLLED ACT No. 337

AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-4-31.4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 31.4. Native American Indian Affairs Commission

Sec. 1. As used in this chapter, "commission" refers to the Native American Indian affairs commission established by section 4 of this chapter.

Sec. 2. As used in this chapter, "department" refers to the department of workforce development.

Sec. 3. As used in this chapter, "Native American Indian" means an individual who is at least one (1) of the following:

- (1) An Alaska native as defined in 43 U.S.C. 1602(b).**
- (2) An Indian as defined in 25 U.S.C. 450b(d).**
- (3) A native Hawaiian as defined in 20 U.S.C. 7912(1).**

Sec. 4. The Native American Indian affairs commission is established.

Sec. 5. (a) The commission consists of fifteen (15) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

- (1) Six (6) Native American Indians, each from a different geographic region of Indiana.**
- (2) Two (2) Native American Indians who have knowledge in**



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Native American traditions and spiritual issues.

(3) The commissioner of the department of correction or the commissioner's designee.

(4) The commissioner of the commission for higher education or the commissioner's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The secretary of the office of family and social services or the secretary's designee.

(7) The director of the department of natural resources or the director's designee.

(8) The state superintendent of public instruction or the superintendent's designee.

(9) The commissioner of the department of workforce development or the commissioner's designee.

(b) The nonvoting members of the commission consist of the following:

(1) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(2) One (1) member of the senate appointed by the president pro tempore of the senate.

(c) The governor shall appoint each Native American Indian member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. Before appointing a Native American Indian member to the commission, the governor shall solicit nominees from Indiana associations that represent Native American Indians in the geographic region from which the member will be selected. Not more than one (1) member may represent the same tribe or Native American Indian organization or association.

(d) A member of the commission may be removed by the member's appointing authority.

Sec. 6. The affirmative votes of at least eight (8) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.

Sec. 7. (a) The department shall provide staff and administrative support for the commission.

(b) Expenses incurred under this chapter shall be paid from funds appropriated to the department.

(c) The governor shall appoint a voting member of the commission to serve as the commission's chairperson.

Sec. 8. The commission shall study problems common to Native

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American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

- (1) Health issues affecting Native American Indian communities, including data collection, equal access to public assistance programs, and informing health officials of cultural traditions relevant to health care.
- (2) Cooperation and understanding between the Native American Indian communities and other communities throughout Indiana.
- (3) Cultural barriers to the educational system, including barriers to higher education and opportunities for financial aid and minority scholarships.
- (4) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum.
- (5) Measures to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences.
- (6) Programs to encourage the growth and support of Native American Indian owned businesses.
- (7) Public awareness of issues affecting the Native American Indian communities.
- (8) Issues concerning preservation and excavation of Native American Indian historical and archeology sites, including reburial of Native American Indians.
- (9) Measures that could facilitate easier access to state and local government services by Native American Indians.

Sec. 9. The commission may not study or make recommendations on the following issues:

- (1) Negotiations between a tribe and the state or federal government concerning tribal sovereignty.
- (2) Gaming on tribal land.

SECTION 2. IC 14-21-1-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25.5. (a) If a Native American Indian burial ground is discovered, the department shall immediately provide notice to the Native American Indian affairs commission established by IC 4-4-31.4.

- (b) If Native American Indian human remains are removed



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from a burial ground, the department shall provide the following to the Native American Indian affairs commission:

- (1) Any written findings or reports that result from the analysis and study of the human remains.
- (2) Written notice to the Native American Indian affairs commission that the analysis and study of the human remains are complete.

(c) After receiving written notice under subsection (b)(2), the Native American Indian affairs commission shall make recommendations to the department regarding the final disposition of the Native American Indian human remains.

SECTION 3. [EFFECTIVE JUNE 1, 2003] (a) As used in this SECTION, "commission" refers to the Native American Indian affairs commission established by IC 4-4-31.4-4, as added by this act.

(b) The governor shall make the initial appointments to the commission not later than July 1, 2003. In making an initial appointment, the governor shall indicate the length of the term for which the individual is appointed.

(c) Notwithstanding IC 4-4-31.4-5(c), as added by this act, the initial terms of office for the eight (8) individuals appointed to the commission by the governor are as follows:

- (1) Two (2) members appointed under IC 4-4-31.4-5(a)(1), as added by this act, for a term of one (1) year.
- (2) One (1) member appointed under IC 4-4-31.4-5(a)(1), as added by this act, and one (1) member appointed under IC 4-4-31.4-5(a)(2), as added by this act, for a term of two (2) years.
- (3) Two (2) members appointed under IC 4-4-31.4-5(a)(1), as added by this act, for a term of three (3) years.
- (4) One (1) member appointed under IC 4-4-31.4-5(a)(1), as added by this act, for a term of four (4) years.
- (5) One (1) member appointed under IC 4-4-31.4-5(a)(2), as added by this act, for a term of four (4) years.

(d) The initial terms begin July 1, 2003.

(e) This SECTION expires July 1, 2007.

SECTION 4. An emergency is declared for this act.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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